

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: Scott Michael VOGELSANG

Docket Number: 2:02CR00151-01

Offender Address: Granite Bay, California

Judicial Officer: Honorable Morrison C. England, Jr.
United States District Judge
Sacramento, California

Original Sentence Date: 09/06/2005

Original Offense: 18 USC 1347, 2 - Health Care Fraud, Aiding and Abetting
(CLASS C FELONIES)

Original Sentence: 33 months custody Bureau of Prisons; 36 months Supervised
Release; \$168,577.84 restitution; \$2,200 special assessment

Special Conditions: Search; Financial disclosure; No new credit or debt; Submit
to DNA collection

Type of Supervision: Supervised Release

Supervision Commenced: 02/19/2008

Assistant U.S. Attorney: Phil Ferrari **Telephone:** (916) 554-2700

Defense Attorney: Victor S. Haltom
Appointed **Telephone:** (916) 444-8663

Other Court Action: None

**RE: Scott Michael VOGELSANG
Docket Number: 2:02CR00151-01**

**PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER**

PETITIONING THE COURT

To modify the conditions of supervision as follows:

5. The releasee shall have no personal contact or communication in any manner with any case agent or other persons associated with the underlying offense, unless in the presence of an attorney.

Justification: Since the inception of supervision, Vogelsang has filed numerous lawsuits involving his conviction in this case. While maintaining compliance on supervision, he adamantly professes his innocence in this case. On December 9, 2009, a former case agent in this case contacted this officer and advised Vogelsang had been following her and calling her incessantly until she observed him leaving a package on her front porch. Contained in the package were civil court documents outlining his lawsuit against her and other former agents.

The undersigned officer immediately contacted the U.S. criminal and civil attorneys in this case, wherein, they advised that more than likely he was serving her with documentation so his civil case could proceed. Vogelsang was questioned and instructed to cease all contact with any and all case agents in this case unless he was in the presence of an attorney. He reported that he must have scared her, so she contacted his probation officer. He signed a hearing waiver form reflecting his compliance in the future. He explained he simply did not have the money to hire a process server, and he did not deny calling her or locating her personal residence.

Therefore, it is respectfully recommended that Special Condition Number 5 be added to Vogelsang's formal Judgment ordering him to have no personal contact or communication in any manner with any case agent or other persons associated with the underlying offense, unless in the presence of an attorney.

**RE: Scott Michael VOGELSANG
Docket Number: 2:02CR00151-01**

**PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER**

Respectfully submitted,

/s/ Shari R. Simon

**SHARI R. SIMON
United States Probation Officer
Telephone: (916) 786-2861**

DATED: December 21, 2009
Roseville, California
SRS:cd

REVIEWED BY: /s/ Terence E. Sherbondy
TERENCE E. SHERBONDY
Supervising United States Probation Officer

THE COURT ORDERS:

(XX) Modification approved as recommended.
() Modification not approved at this time. Probation Officer to contact Court.
() Other:

Dated: December 24, 2009



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

**RE: Scott Michael VOGELSANG
Docket Number: 2:02CR00151-01**

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cc: United States Probation
Daniel S. Linhardt, Assistant United States Attorney
Assistant Federal Defender
Defendant
Court File